

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Carter Salis	Team: Squad #4	CCRB Case #: 201902985	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Monday, 04/08/2019 7:30 AM	Location of Incident: § 87(2)(b) § 87(2)(b) 34th Precinct stationhouse	Precinct: 34	18 Mo. SOL 10/8/2020	EO SOL 5/25/2021	
Date/Time CV Reported Mon, 04/08/2019 8:17 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/08/2019 8:17 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. Officers			WARRSEC
2. DT3 Claudio Paula	3327	939188	WARRSEC
3. DT3 Kevin Harding	1519	950559	WARRSEC
4. POF Senia Taveras	12120	929442	034 PCT
5. POM Robert Divers	22335	957551	WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Majer Saleh	02402	929110	034 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Kevin Harding	Abuse: Detective Kevin Harding entered § 87(2)(b) in Manhattan.	§ 87(2)(b)
B.DT3 Kevin Harding	Force: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Detective Kevin Harding used physical force against § 87(2)(b)	§ 87(2)(b)
C.DT3 Claudio Paula	Force: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Detective Claudio Paula used physical force against § 87(2)(b)	§ 87(2)(b)
D.POM Robert Divers	Force: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Police Officer Robert Divers used physical force against § 87(2)(b) § 87(2)(b)	§ 87(2)(b)
E.DT3 Claudio Paula	Force: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Detective Claudio Paula struck § 87(2)(b) with a collapsible baton.	§ 87(2)(b)
F.DT3 Claudio Paula	Force: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Detective Claudio Paula struck § 87(2)(b) with a collapsible baton.	§ 87(2)(b)
G.DT3 Claudio Paula	Force: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Detective Claudio Paula used physical force against § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
H.POM Robert Divers	Force: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Police Officer Robert Divers used physical force against § 87(2)(b)	
I.POM Robert Divers	Force: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Police Officer Robert Divers used physical force against § 87(2)(b)	
J.DT3 Kevin Harding	Force: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Detective Kevin Harding used physical force against § 87(2)(b)	
K.POM Robert Divers	Discourtesy: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Police Officer Robert Divers spoke discourteously to § 87(2)(b)	
L.DT3 Claudio Paula	Discourtesy: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Detective Claudio Paula spoke discourteously to § 87(2)(b)	
M. Officers	Abuse: Inside § 87(2)(b) § 87(2)(b) in Manhattan, officers damaged § 87(2)(b) s and § 87(2)(b) s property.	
N.POF Senia Taveras	Abuse: At the 34th Precinct stationhouse, Police Officer Senia Taveras did not process § 87(2)(b) s complaint regarding officers.	

Case Summary

On April 8, 2019, § 87(2)(b) called the CCRB and filed this complaint on behalf of himself, § 87(2)(b) and § 87(2)(b). On April 22, 2019, the CCRB received IAB Log 2019-14837 (BR 33), a duplicate of this complaint filed by Sgt. Sean Lynskey of the Manhattan Warrant Section.

On April 8, 2019, at approximately 7:30 a.m., Det. Kevin Harding, Det. Claudio Paula, and PO Robert Divers, all of the Manhattan Warrant Section, appeared at § 87(2)(b) in Manhattan to execute an active Arrest Warrant for § 87(2)(b) and § 87(2)(b) were inside of the apartment. Det. Harding entered the apartment (**Allegation A: Abuse of Authority**, § 87(2)(g)) and was followed by Det. Paula. § 87(2)(b) fled from Det. Harding and Det. Paula to the rear of the apartment. Det. Paula radioed PO Divers, who was outside the apartment building, and requested backup. Det. Harding allegedly grabbed and struck § 87(2)(b) from behind (**Allegation B: Force**, § 87(2)(g)). Det. Paula allegedly punched § 87(2)(b) in the abdomen and head (**Allegation C: Force**, § 87(2)(g)). PO Divers entered the apartment and allegedly threw § 87(2)(b) to the ground (**Allegation D: Force**, § 87(2)(g)). Det. Paula brandished his collapsible baton and struck § 87(2)(b) on his torso (**Allegation E: Force**, § 87(2)(g)).

While officers attempted to place § 87(2)(b) in custody, § 87(2)(b) and § 87(2)(b) moved between the officers and § 87(2)(b). With his collapsible baton, Det. Paula struck § 87(2)(b) on the inside of his right hand (**Allegation F: Force**, § 87(2)(g)). Det. Paula pushed § 87(2)(b) in the chest (**Allegation G: Force**, § 87(2)(g)). PO Divers pushed § 87(2)(b) in the chest (**Allegation H: Force**, § 87(2)(g)). PO Divers pushed § 87(2)(b) in the chest (**Allegation I: Force**, § 87(2)(g)). Det. Harding pushed § 87(2)(b) on her shoulders (**Allegation J: Force**, § 87(2)(g)). PO Divers allegedly told § 87(2)(b) “Fuck off” (**Allegation K: Discourtesy**, § 87(2)(g)). Det. Paula allegedly used the word “Fuck” towards § 87(2)(b) (**Allegation L: Discourtesy**, § 87(2)(g)). During the physical struggle, officers damaged a baby carriage, a closet door, and several ornaments (**Allegation M: Abuse of Authority**, § 87(2)(g)).

Later the same day, § 87(2)(b) and § 87(2)(b) appeared at the 34th Precinct stationhouse in Manhattan. § 87(2)(b) asked PO Senia Taveras, of the 34th Precinct, to file a complaint regarding police misconduct. PO Taveras did not process § 87(2)(b)'s complaint regarding officers (**Allegation N: Discourtesy**, § 87(2)(g)).

§ 87(2)(b) was arrested (BR 01) for assault in the second degree with intent to injure a police officer, burglary in the third degree, resisting arrest, and obstruction of governmental administration in the second degree.

Footage of 34th Precinct stationhouse was obtained and is contained in IAs 62-63. There is no other video footage in this case.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Kevin Harding entered § 87(2)(b) in Manhattan.

§ 87(2)(b) (BR 02) testified that he heard a knock at the apartment's front door and walked to the front of the apartment where § 87(2)(b) was already standing. § 87(2)(b) looked through the door's peep hole and saw Det. Harding and Det. Paula. Det. Paula stated that the officers were conducting an investigation, asked to speak with the door open, and briefly showed a photograph of an individual, who § 87(2)(b) did not recognize. § 87(2)(b) opened the front door such that both he and § 87(2)(b) were visible to the officers. Det. Harding entered the apartment and told § 87(2)(b) that he was under arrest.

§ 87(2)(b) (BR 03) was in her bedroom and heard a knocking at the front door. § 87(2)(b) heard an officer shout, “We have a warrant.” § 87(2)(b) opened the door to her bedroom.

The front door of the apartment was opened such that both § 87(2)(b) and § 87(2)(b) were visible to the officers. Det. Harding and Det. Paula entered the apartment and ran towards § 87(2)(b).

§ 87(2)(b)s (BR 04) and § 87(2)(b)s (BR 05) statements were consistent with § 87(2)(b)s and § 87(2)(b)s statements.

Attempts to contact § 87(2)(b) (BR 06) in regards to this incident were unsuccessful.

Det. Harding testified that he appeared at § 87(2)(b) § 87(2)(b) in Manhattan, with the intent of apprehending § 87(2)(b) on Arrest Warrant number § 87(2)(b) (BR 10) and I card § 87(2)(b) (BR 11). Arrest Warrant number § 87(2)(b) which was signed by Hon. § 87(2)(b), was issued on § 87(2)(b) and was active at the time of the incident. The warrant listed § 87(2)(b) § 87(2)(b) as § 87(2)(b)s address.

The DD5s (BR 32) prepared by Det. Harding show that, between April 5, 2019 and April 8, 2019, Det. Harding reviewed § 87(2)(b)s previous arrest reports and Criminal Justice Agency Interview, and conducted Department of Motor Vehicle, TransUnion, and NYC Department of Corrections searches, all of which confirmed § 87(2)(b)s residence as § 87(2)(b) § 87(2)(b) in Manhattan.

Det. Harding (BR 07) testified that he knocked on the apartment door, identified himself as a police officer, and stated that he was conducting an investigation. A male came to the door and stated that he was § 87(2)(b)-years-old and could not open the door. Det. Harding did not believe that the male was § 87(2)(b)-years-old because the voice was much deeper than that which would belong to a § 87(2)(b)-year-old. § 87(2)(b) came to the door. Det. Harding asked for the family surname and § 87(2)(b) confirmed, § 87(2)(b). Det. Harding stated that the officers had a warrant for § 87(2)(b)s arrest. § 87(2)(b) opened the door so that Det. Harding could see § 87(2)(b) and the wall behind him. While speaking to Det. Harding, § 87(2)(b) continued to look to his left, which Det. Harding took to mean that § 87(2)(b) might be in the apartment. § 87(2)(b) stepped back from the doorway, which Det. Harding took this to mean that § 87(2)(b) was allowing him into the apartment. Det. Harding craned his head around the door, saw § 87(2)(b) and stated that the officers had a warrant for his arrest.

Det. Paula's (BR 08) testimony was consistent with Det. Harding's testimony. While Det. Harding spoke to § 87(2)(b) at the front door of the apartment, § 87(2)(b) continued to look behind the door, which led Det. Paula to believe that a person might be behind the door. Det. Harding stepped into the apartment and saw § 87(2)(b) behind the door.

An arrest warrant founded on probable cause implicitly carries with it the limited authority to enter a dwelling in which the suspect lives and is reasonably believed to be present. NY CLS CPL § 120.80 (BR 12).

§ 87(2)(b), § 87(2)(g)

Allegation (B) Force: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Detective Kevin Harding used physical force against § 87(2)(b)

Allegation (C) Force: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Detective Claudio Paula used physical force against § 87(2)(b)

Allegation (D) Force: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Police Officer Robert Divers used physical force against § 87(2)(b)

Allegation (E) Force: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Detective

Claudio Paula struck § 87(2)(b) with a collapsible baton.

Allegation (F) Force: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Detective

Claudio Paula struck § 87(2)(b) with a collapsible baton.

Allegation (G) Force: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Detective

Claudio Paula used physical force against § 87(2)(b)

Allegation (H) Force: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Police Officer

Robert Divers used physical force against § 87(2)(b)

Allegation (I) Force: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Police Officer

Robert Divers used physical force against § 87(2)(b)

Allegation (J) Force: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Detective

Kevin Harding used physical force against § 87(2)(b)

It is undisputed that § 87(2)(b) did not cooperate with officers attempts to place him into custody and a physical struggled ensued. The type and magnitude of force applied by officers is contested.

§ 87(2)(b) (BR 02) alleged that, after Det. Harding told § 87(2)(b) that he was being arrest, § 87(2)(b) moved towards the rear of the apartment to retrieve his shoes. Det. Paula grabbed § 87(2)(b) in a bear hug, and § 87(2)(b) fell to the ground and landed on his left shoulder. On the ground, Det. Paula punched § 87(2)(b) approximately five times with a closed fist in center of his abdomen. § 87(2)(b) attempted to stand. Det. Harding ran up to § 87(2)(b) and grabbed him in a bear hug from behind. Det. Harding and § 87(2)(b) then stumbled into § 87(2)(b) s and § 87(2)(b) s bedroom. When § 87(2)(b) arrived in the bedroom, § 87(2)(b) was lying either on his back or on his stomach. Det. Paula brandished his collapsible baton and struck § 87(2)(b) approximately three times on either the center of his chest or back. § 87(2)(b) and § 87(2)(b) moved in between Det. Paula and § 87(2)(b) although neither attempted to touch or strike Det. Paula. § 87(2)(b) and § 87(2)(b) then moved so that they were three feet away from Det. Paula. Det. Paula turned his body away from § 87(2)(b) and struck the inside of § 87(2)(b) s right hand twice with his collapsible baton. PO Divers entered the apartment, ran to the rear bedroom, and pushed § 87(2)(b) in the chest. § 87(2)(b) fell backwards on the bed behind him. PO Divers then pushed § 87(2)(b) in the chest. § 87(2)(b) fell on his back. Officers handcuffed § 87(2)(b) and walked him out of the apartment.

§ 87(2)(b) (BR 04) testified that Det. Harding and Det. Paula entered the apartment and punched § 87(2)(b) on his head and torso. Det. Harding, Det. Paula, and § 87(2)(b) fell to the floor in the apartment hallway. § 87(2)(b) attempted to position himself between the officers and § 87(2)(b) Det. Harding and Det. Paula continued to punch § 87(2)(b) around § 87(2)(b) entered the rear bedroom and hid behind § 87(2)(b) and § 87(2)(b) Det. Harding pushed § 87(2)(b) on the arms and shoulder. Either Det. Paula or PO Divers pushed § 87(2)(b) in the chest, causing him to fall back on to his bed. § 87(2)(b) was simultaneously struck once with a collapsible baton on the right hand between his thumb and his wrist. § 87(2)(b) was not sure which officer struck him. While on the bedroom floor, Det. Paula punched § 87(2)(b) in the head, removed his collapsible baton, and struck § 87(2)(b) twice on the upper back by his neck. Det. Harding stood and prevented § 87(2)(b) and § 87(2)(b) from approaching the officers.

§ 87(2)(b) (BR 05) testified that, when officers and § 87(2)(b) entered her bedroom, Det. Harding hit § 87(2)(b) and grabbed him from behind. Det. Harding grabbed § 87(2)(b) s shoulders and pushed her to the side twice. Another officer, she was not sure which one, grabbed § 87(2)(b) and pushed him, causing him to fall on his bed. Det. Harding took out his collapsible baton and struck § 87(2)(b) on his right hand between his wrist and thumb. At some point during the altercation, PO Divers entered the apartment and threw § 87(2)(b) to the floor.

§ 87(2)(b) (BR 03) did not witness the initial physical altercation between § 87(2)(b)

and officers.

The Threat Resistance Injury Reports (TRI) prepared by Det. Harding (**BR 13**) and Det. Paula (**BR 14**) are largely consistent. The TRIs list the force used against MOS as wrestling/grappling and pushing/shoving. The TRI prepared by Det. Harding does not list any injuries sustained by MOS. The TRI prepared by Det. Paula states that he sustained a strain to his lower back and a contusion on his left thumb. Both TRI reports state that both officers used a forcible take down and that an impact weapon was displayed. The TRI reports state that officers used force in self-defense, in the defense of other MOS, to overcome resistance or aggression, and to subdue a fleeing subject. A photo (**BR 15**) attached to the TRI reports shows a laceration § 87(2)(b) sustained to his forehead, for which he later received medical treatment.

On April 8, 2019, § 87(2)(b) and § 87(2)(b) were treated at § 87(2)(b) Medical Center (**Privileged Documents**). § 87(2)(b)'s medical records state that she told medical practitioners that she was grabbed by police in her apartment earlier that morning, causing her shoulder pain and exacerbating a preexisting condition. Radiology tests of § 87(2)(b)'s right shoulder were taken and showed slight internal rotation. § 87(2)(b) was prescribed ibuprofen for pain and cyclobenzaprine for muscle spasms. § 87(2)(b)'s medical records state that he told medical practitioners that an officer hit him with a collapsible baton on his right wrist and tackled him to his bed, causing left hip and left side lower back pain. Radiology tests were conducted on § 87(2)(b)'s right wrist and were unremarkable. § 87(2)(b) was prescribed ibuprofen for pain and lidocaine-prilocaine for back pain.

Det. Harding (**BR 07**) testified that, when officers entered the apartment, § 87(2)(b) fled down a hallway to the rear of the apartment. Det. Harding followed § 87(2)(b) but had difficulty moving around § 87(2)(b) who planted his feet and placed his hand palm-outward towards the officers. Det. Harding told § 87(2)(b) "Stop. Put your hands behind your back." § 87(2)(b) did not comply with this command. Det. Harding told § 87(2)(b) "Step back." § 87(2)(b) did not step away from the officers. Det. Harding could not recall where in the apartment he first made contact with § 87(2)(b) but he reached his arms toward § 87(2)(b)'s shoulders while pursuing him throughout the apartment. Det. Harding and Det. Paula effected a forcible takedown by grabbing § 87(2)(b)'s arms and lowering him to the floor. While on the ground § 87(2)(b) flailed his arms and prevented officers from handcuffing him. § 87(2)(b) and § 87(2)(b) moved themselves between the officers and § 87(2)(b). Det. Paula displayed his collapsible baton but did not strike any of the apartment's occupants. Det. Harding does not carry a collapsible baton. He explained that it was a clerical error that his TRI report stated he displayed an impact weapon. While attempting to handcuff § 87(2)(b) Det. Harding felt hands grabbing on to his arms. Det. Harding did not notice physical injuries to any of the apartment's occupants. Apart from the unintentional brush of his hand, Det. Harding denied pushing any of the apartment's occupants or making physical contact with any person apart from § 87(2)(b). Det. Harding denied punching or witnessing any other officer punch § 87(2)(b).

Det. Paula (**BR 08**) testified that, while Det. Harding and Det. Paula were attempting to place § 87(2)(b) in handcuffs, the apartment's occupants grabbed on to the officers' arms and shoulders, and they positioned themselves between the officers and § 87(2)(b). Because the officers were outnumbered by civilians, Det. Paula extended and displayed his collapsible baton. § 87(2)(b) prevented the officers from gaining § 87(2)(b)'s compliance by holding on to Det. Paula's left arm. Det. Paula pushed § 87(2)(b) in the chest to prevent him from holding on to his arm. Det. Paula told § 87(2)(b) that if he touched him again, he would strike him. § 87(2)(b) backed away from Det. Harding. § 87(2)(b) stood up and attempted to flee from the officers again, but he ran into Det. Paula and both fell to the ground. Officers placed § 87(2)(b) in handcuffs. Following the incident, § 87(2)(b) had a seizure at the 33rd Precinct stationhouse and was transport to the hospital, where he received treatment for injuries he

sustained during the incident. Det. Paula denied striking § 87(2)(b) in the chest, neck, or head, and he never struck § 87(2)(b) or § 87(2)(b) with his collapsible baton. Det. Paula did not notice physical injuries to any of the apartment's occupants.

PO Divers (**BR 09**) testified that was outside the apartment watching the fire escape, when he received a radio call requesting his assistance in the apartment. Upon entering the apartment, PO Divers observed Det. Paula holding his collapsible baton, although PO Divers never saw Det. Paula strike any person with his collapsible baton. PO Divers stretched his arms in front of his body towards the apartment's occupants and instructed them to step back. PO Divers did not push or make contact with any of the apartment's occupants. Det. Harding and Det. Harding placed § 87(2)(b) in handcuffs. PO Divers had no physical contact with § 87(2)(b) prior to his being placed in handcuffs.

An officer may use minimal and reasonable force to ensure the safety of a member of service or civilian, to otherwise protect life, or to place a person in custody. In all circumstances, the application of force must be reasonable under the present circumstances. NYPD Patrol Guide Procedure 221-01 (BR 16).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (K) Discourtesy: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Police Officer Robert Divers spoke discourteously to § 87(2)(b)

Allegation (L) Discourtesy: Inside § 87(2)(b) § 87(2)(b) in Manhattan, Detective Claudio Paula spoke discourteously to § 87(2)(b)

§ 87(2)(b) § 87(2)(b) (**BR 02**) testified that, while officers were struggling with § 87(2)(b) he told the officers that he was a United States veteran and that § 87(2)(b) respected him very much. Det. Paula told § 87(2)(b) that he did not care if he was a veteran. PO Divers pushed § 87(2)(b) and stated, "Fuck off." Both Det. Paula and PO Divers used the word "fuck" while § 87(2)(b) was on the floor of the apartment, although § 87(2)(b) could not recall either officers' exact use of the word.

§ 87(2)(b) (**BR 03**) testified that, after the initial physical struggle, she moved to the doorway of § 87(2)(b)s and § 87(2)(b)s bedroom. § 87(2)(b) told the officers that he was a United States veteran and Det. Paula responded, "I don't give a fuck."

Det. Harding (**BR 07**), Det. Paula (**BR 08**), and PO Divers (**BR 09**) each denied using or hearing any other officer using the word "fuck" during the incident.

§ 87(2)(b), § 87(2)(g)

Allegation (M) Abuse of Authority: Inside § 87(2)(b) § 87(2)(b) in Manhattan, officers damaged § 87(2)(b) s and § 87(2)(b) s property.

§ 87(2)(b) (BR 04) testified that, as the officers pursued § 87(2)(b) they knocked over and broke several ornaments on a table in the living room. After officers left the apartment, § 87(2)(b) observed that the hinges had fallen off a closet door in his bedroom. § 87(2)(b) did not see how these items were damaged, but he believed that they were damaged during the physical struggle.

§ 87(2)(b) (BR 05) testified that, after the officers left the apartment, she noticed that a baby stroller and closet door in her bedroom were damaged. § 87(2)(b) did not see how these items were damaged, but she believed that they were damaged during the physical struggle.

Det. Harding (BR 07), Det. Paula (BR 08), and PO Divers (BR 09) each testified that he did not damage § 87(2)(b) s or § 87(2)(b) s property, never became aware that any property had become damaged over the course of the incident, or recalled § 87(2)(b) or § 87(2)(b) protesting that their property had been damaged.

§ 87(2)(b), § 87(2)(g)

Allegation (N) Abuse of Authority: At the 34th Precinct stationhouse, Police Officer Senia Taveras did not process § 87(2)(b) s complaint regarding officers.

It is undisputed that, after § 87(2)(b) was placed in police custody, § 87(2)(b) and § 87(2)(b) appeared at the 34th Precinct stationhouse. § 87(2)(b) spoke to PO Taveras. PO Taveras spoke to § 87(2)(b) walked away, and returned to speak with § 87(2)(b)

§ 87(2)(b) (BR 02) testified that he spoke to PO Taveras, and asked to file a complaint regarding police misconduct. PO Taveras stated that she did not deal with complaints such as the one that § 87(2)(b) hoped to file. PO Taveras walked away and spoke to an unidentified officer. PO Taveras walked back to § 87(2)(b) and § 87(2)(b) and she pointed to a poster listing the CCRB's phone number. § 87(2)(b) called the CCRB and filed this complaint immediately after leaving the 34th Precinct stationhouse.

During his phone statement, § 87(2)(b) (BR 17) clarified that, after pointing to the poster with the CCRB's contact information, PO Taveras gave § 87(2)(b) § 87(2)(b) a hand-written note with the CCRB's phone number and instructed him to call the CCRB.

§ 87(2)(b) (BR 04) was present for but did not understand § 87(2)(b) s conversation with PO Taveras. § 87(2)(b) did not understand any part of this conversation as it took place in English.

Stationhouse footage of the main lobby of the 34th Precinct stationhouse (BR 18), between 8:05:25 AM and 8:09:04 AM, depicts § 87(2)(b) speaking to PO Taveras at the 34th Precinct stationhouse. The footage does not contain an audio component. At 0:04 minutes on the video player, § 87(2)(b) and § 87(2)(b) enter the front door of the stationhouse and wait behind a gate separating a waiting area and the front desk. At 0:40 minutes, PO Taveras approaches § 87(2)(b) from behind the gate. Between 0:40 minutes and 2:10 minutes, § 87(2)(b) speaks to PO Taveras. At 1:30 minutes, § 87(2)(b) makes a bear hug motion, which is consistent with the actions that he alleged officers took to subdue § 87(2)(b). At 2:10 minutes, PO Taveras walks away from § 87(2)(b). At 2:55 minutes, PO Taveras returns to § 87(2)(b). Between 2:55 minutes and 3:30 minutes, PO Taveras points to a poster on the adjacent wall, writes on a piece of paper, and hands the piece of paper to § 87(2)(b) and walks away. § 87(2)(b), § 87(2)(b) and § 87(2)(b) then leave the stationhouse.

§ 87(2)(b) called the CCRB and filed this complaint on April 8, 2019 at 8:17 AM, approximately eight minutes after leaving the 34th Precinct stationhouse.

No Command Log entry (**BR 19**) was made regarding § 87(2)(b) s or § 87(2)(b) s presence at the 34th Precinct stationhouse.

PO Taveras (**BR 20**) testified that she possessed no recollection of this incident and denied refusing to take § 87(2)(b) s compliant against an officer. At the time of the incident, PO Taveras was working stationhouse security at the 34th Precinct stationhouse. PO Taveras was shown the footage of the main lobby of the 34th Precinct stationhouse and she explained that, on the wall of the stationhouse where she points in the stationhouse footage, hangs a poster with information for filing a CCRB complaint. When asked in her CCRB interview what the procedure was for processing a civilian's complaint against a member-of-service, PO Taveras stated that an officer can explain the process for filing a complaint via calling 311 or provide the CCRB's phone number.

Sgt. Majer Saleh (**BR 21**), who was the desk sergeant when § 87(2)(b) and § 87(2)(b) appeared at the stationhouse, testified that he had no recollection of this incident. Sgt. Saleh explained that, when a civilian requests to file complaint against a member-of-service, a civilian complaint form is offered to the civilian and the complaint is recorded in the Command Log. The desk sergeant is responsible for completing a portion of the complaint report and providing a copy of the report to the civilian. The desk sergeant then contacts both the CCRB and IAB. Sgt. Saleh noted that, had he become aware of any civilian wishing to file a complaint, he would have made a Command Log entry.

Patrol Guide Procedure 207-31 (**BR 22**) states that, when a civilian appears in person at a department facility and alleges misconduct by a uniformed member-of-service, the member-of-service receiving the complaint is required to give the complainant the first copy of the Civilian Complaint Report to be prepared in the complainant's own handwriting. Should the complainant not want to immediately make a complaint, the member-of-service must provide the civilian with the first copy of the Civilian Complaint Report and additionally provided the Civilian Complaint Review Board's phone number. The member-of-service must then advise a desk officer or supervisor and a Command Log entry will immediately be made.

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been party (**BR 23**).
- This is the first CCRB complaint to which § 87(2)(b) has been party (**BR 24**).
- This is the first CCRB complaint to which § 87(2)(b) has been party (**BR 25**).
- This is the first CCRB complaint to which § 87(2)(b) has been party (**BR 26**).
- Detective Kevin Harding has been a member-of-service for eight years and has been a subject in two other CCRB complaints and three other allegations, none of which were substantiated.
- Detective Claudio Paula has been a member-of-service for fourteen years and has been a subject in five other CCRB complaints and fifteen other allegations, none of which were substantiated.

- Police Officer Robert Divers has been a member-of-service for four years and this is the first complaint to which he has been a subject.
- Police Officer Senia Taveras has been a member-of-service for seventeen years and has been a subject in three other CCRB complaints and six other allegations, three of which were substantiated.
 - 201116175 involved substantiated allegations of frisk, stop, and threat of summons against PO Taveras. The Board recommended charges and the NYPD imposed Instructions.

- § 87(2)(b), § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of August 26, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (**BR 27**).
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]
- § 87(2)(b) [REDACTED]

Squad No.: Squad 4

Investigator:	_____	Investigator Carter Salis	12/30/19
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date